

Recognition, but at what cost?

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Guest commentary

Rusty Creed Brown 10/10/2006

Let me start by saying, I absolutely support the Delaware Tribe having our federal recognition restored; we should be actively pursuing all options that will not harm our people and/or our tribe. However, I am concerned with the avenue our current chief and council have chosen. Other options are available and after this legislation is marked up by Congress there is no guarantee the Cherokee Nation will continue to support it; which in my opinion is a good thing. I do not want this legislation to pass.

In 1867, an agreement was made by the Delaware and the Cherokee, this agreement has been of much heated debate since its signing. The 1867 agreement specifically violates the Delaware Treaty of 1866; this treaty has never been abrogated, meaning it is still the supreme law of the land under the U.S. Constitution. In a letter Chief Chad Smith sent to the Delaware several months back, he specifically stated our two tribes could not enter into an agreement violating federal law. He is correct on that point

Today, our Delaware chief and council are making yet another agreement with the Cherokee Nation and attempting to have Congress pass legislation restoring our federal recognition. As I mentioned, I am absolutely for the restoration of our federal recognition. We were the first Indian nation to sign a treaty with the newly formed U.S. government. We have fought many wars on the side of the U.S. government. We have retained our culture and our heritage through at least six major removals. We are a tribe; we are a nation

The currently proposed legislation gives our authority to the Cherokee Nation. We will not be able to do anything without consulting the Cherokee Nation. Our federal monies will go through them and they will have the authority to regulate and tax our businesses. The prospect of having land into trust does exist within our last reservation and our aboriginal homelands, but I believe this legislation caps how many acres we will be allowed to take into trust. This deal is not in our best interest; why make hasty decisions?

It is also important for Delaware people to realize our trust fund payout does not need to be tied to our federal recognition legislation. Our council voted to tie the two together; we are entitled to and will get our settlement. This legislation will also affect groups other than the Delaware Tribe. The legislation will also have potentially detrimental affects on the Freedmen, the Shawnees, and the United Keetoowah Band (UKB) of Cherokees.

The legislation, for all practical purposes, abolishes our inherent rights as a tribal aation. Our council members have said the Memorandum of Agreement (MOA) is not finalized. Whether or not the MOA is finalized the US Congress can still pass this legislation; the legislation that our current chief and council support. A draft copy of the MOA does exits; however, tribal members are not allowed copies for review and we have not been told of the current status of any further negotiations.

There is quite a bit of concern over whether the council and chief will allow the Delaware people to vote on accepting the MOA, as required by the Delaware Constitution, before they and the Cherokees sign it. The "Adult Voting Membership" of the tribe is the "Supreme Governing Authority," not the tribal council or the chief. However, our Delaware administration seems to have forgotten that point.

As a candidate for Delaware tribal council, I absolutely support giving the governing power back to the people, where it rightfully belongs. I will work endlessly to restore our recognition and our rightful place among Tribal Nations. Nevertheless, I do not support the legislation and if I had a copy of the MOA, I am certain I would not support it either. My family does not support it, many other Delaware families do not it, and I know of many elders that do not support it.

In the last year there has been a 180 degree turn in this council and chief with no explanation. For 140 years, our Delaware people have fought the 1867 agreement. Now we are willing to enter into another agreement and have congress pass legislation supporting the 1867 agreement. I ask Why? There is nothing favorable in the legislation to the Delaware Tribe and I can only imagine what we are giving up in the MOA.

Our ancestors did not want the 1867 agreement. Our ancestors have fought continuously for our survival, our federal recognition, and have never given up our inherent rights to govern ourselves. We are not Cherokee. We are Delaware people, we are Lenape. We must never forget that.

When the Delaware Tribal Court fails its people, the Delaware Tribal Council is not sharing information, tribal elders are left out and their views not respected, something is incredibly wrong. Read the Delaware Indian newspaper, read the Delaware Court opinions, and read the tribal council minutes, you will see our current administration is not looking out for the interest of our tribe.

It is time the Delaware people, stand up and assert our constitution rights and require accountability from the chief and the council. Our general elections are on November 4, 2006. Now more than ever it is time for our Tribal Leaders to make well educated, well informed, and calculated decisions; not hurried decisions that will detrimentally affect us and all of our future generations.

About the author: Rusty Creed Brown is a candidate for Delaware tribal council

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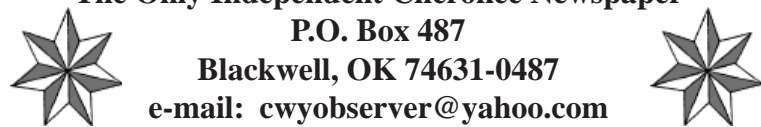
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Blackwell, OK 74631-0487

e-mail: cwyobserver@yahoo.com

editors@cherokeobserver.org

Phone/Fax: 1-580-363-5438

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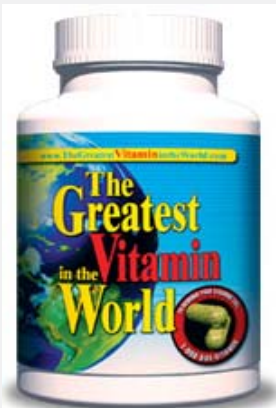
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